

REMARKS/ARGUMENTS

Claims 15 and 17-30 are pending. By this Amendment, claim 16 is cancelled, without prejudice or disclaimer, and claim 15 is amended. Support for the amendments to claim 15 can be found, for example, in original claims 15 and 16. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Claim 30

Applicants note that claim 30, which was presented in the December 30, 2005 Preliminary Amendment is not addressed in the Office Action. Applicants respectfully request that the status of claim 30 be indicated in the next Patent Office communication.

Information Disclosure Statement

The initialed Form PTO-1449 attached to the Office Action does not include an indication that each of the references cited in the December 30, 2005 Information Disclosure Statement has been considered by the Examiner (*see* EP 1 166 707 and EP 1 010 783). Applicants note that the significance of the references is discussed in the International Search Report submitted with the December 30, 2005 Information Disclosure Statement. *See* MPEP §609.04(a)III. Applicants respectfully request that the Examiner consider of each of the cited references, indicate such consideration on the attached Form PTO-1449, and return the initialed form to the undersigned.

Rejection Under 35 U.S.C. §103

The Office Action rejects claims 15-29 under 35 U.S.C. §103(a) over EP 1 010 783 A1 to Katayama et al. ("Katayama") in view of EP 0 181 300 A2 to Billgren ("Billgren"),

U.S. Patent No. 5,972,039 to Honeycutt et al. ("Honeycutt"), U.S. Patent No. 4,942,089 to Genba et al. ("Genba") and U.S. Patent Application Publication No. US 2003/0228351 to Hasenoehrl et al. ("Hasenoehrl"). By this Amendment, claim 16 is cancelled, rendering the rejection moot as to that claim. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 15 recites "[a] cosmetic article comprising at least one fibrous support, wherein: the support is at least partially impregnated with an anhydrous or encapsulated cosmetic product; the support extends in at least one plane; the support comprises water-soluble polyvinyl alcohol fibers; and the support is composed such that: i) when the support is placed in contact with water at a first temperature (T₀), it at least partially shrinks and becomes elastic in at least one direction of said plane, and ii) when the support is placed in contact with water at a second temperature (T₁), higher than the first temperature (T₀), it dissolves so as to become at least partially disintegrated" (emphasis added). Katayama, Billgren, Honeycutt, Genba and Hasenoehrl do not disclose or suggest such an article.

As indicated above, claim 1 requires a support that is at least partially impregnated with an anhydrous or encapsulated cosmetic product. It is undisputed that Katayama, Billgren, Honeycutt and Genba fail to disclose a support impregnated with an anhydrous or encapsulated cosmetic product. *See* Office Action, page 3. However, the Office Action asserts that it would have been obvious, in view of Hasenoehrl, to modify the nonwovens of Katayama to include dry cosmetic cleansing compositions. *See* Office Action, page 2. Applicants respectfully disagree.

As is well-settled, a *prima facie* case of obviousness based on a proposed modification to a reference (e.g., adding the dry cleansing compositions of Hasenoehrl to the water-soluble nonwovens of Katayama) will only stand if one of ordinary skill would have had a reasonable expectation of success upon making the modification. *See, e.g.*, MPEP

§2143.02 (citing *In re Merck & Co., Inc.*, 800 F.2d 1091 (Fed. Cir. 1986)). In Hasenoehr, dry cleansing composition may be provided on a water insoluble substrate. *See, e.g.*, Hasenoehr, Abstract. By contrast, the fibers/nonwoven of Katayama are formed from a water soluble material. One of ordinary skill in the art would have had no reason to expect that the cleansing composition of Hasenoehr could be successfully provided on a water soluble nonwoven, much less the particular nonwoven disclosed in Katayama. Absent such expectation, a *prima facie* case of obviousness cannot be made.

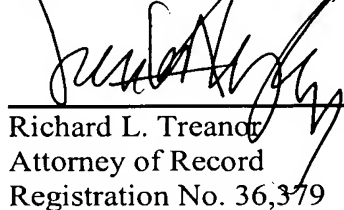
As explained, claim 15 would not have been rendered obvious by Katayama, Billgren, Honeycutt, Genba and Hasenoehr. Claims 17-29 depend from claim 15 and, thus, also would not have been rendered obvious by Katayama, Billgren, Honeycutt, Genba and Hasenoehr. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

For the foregoing reasons, Applicants submit that claims 15 and 17-30 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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Attachment:
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